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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 LONGVIEW SPECIAL FINANCE, INC.,

4 Plaintiff,

5 v.

06 Civ. 1772

6 INFINIUM LABS, INC.,

7 Defendant.
8 -----x

9
10 November 29, 2006
11 2:00 p.m.

12 Before:

13 HON. RICHARD J. HOLWELL

14 District Judge

15 APPEARANCES

16 KENNETH A. ZITTER
Attorney for Plaintiff

17 HELLER HOROWITZ & FEIT, P.C.
Attorneys for Defendant Michael Bachner
18 BY: RICHARD F. HOROWITZ
19 JOSEPH SCHICK
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SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

EXHIBIT A

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1 1999). Second, Longview has made an adequate showing that
2 Infinium is insolvent and likely could not pay monetary damages
3 awarded at the conclusion of this litigation. See *Brentag*
4 *International Chemicals, Inc. v. Bank of India*, 175 F.3d 245,
5 250 (2d Cir. 1999). Third, courts in this district have found
6 that ordering compliance with the terms of a security contract
7 is an appropriate form of relief in cases such as this, and
8 monetary damages are not an adequate remedy. In particular,
9 the court notes two decisions: *Alpha Capital v. Advanced Viral*
10 *Research Corp.*, 2003 WL 328302 (S.D.N.Y. Feb. 11, 2003) and
11 *Alpha Capital v. Group Management Corp.*, 2002 WL 31681798
12 (S.D.N.Y. Nov. 25, 2002). Compelling compliance rather than
13 simply awarding damages reinforces the sanctity of bargains
14 between corporations and creditors and investors and is
15 consistent with the debenture holders' potential excise of
16 their rights as equity shareholders.

17 Therefore, Longview is entitled to injunctive relief.
18 The court, however, is sympathetic to defendant's argument that
19 the relief sought is overbroad. With this in mind, the court
20 enters an injunction directing Infinium to deliver to Longview
21 1,849,568 shares of Infinium common stock and to do so
22 immediately.

23 Infinium is also directed to honor all future
24 conversion notices duly submitted by Longview and all future
25 exercises of warrants duly submitted by Longview.